

House Bill 728 (AS PASSED HOUSE AND SENATE)

By: Representatives Carter of the 159th and Burns of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a Board of Commissioners for the County of Effingham, approved
2 July 26, 1921 (Ga. L. 1921, p. 466), as amended, so as to provide that the governing authority
3 of Effingham County shall consist of six commissioners; to provide for the qualifications,
4 elections, terms of office, and service of the members of the board; to provide for the filling
5 of vacancies; to provide for the election and service of a chairperson of the board; to provide
6 for a vice chairperson of the board; to provide for the submission of this Act to the United
7 States Department of Justice for approval; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating a Board of Commissioners of Roads and Revenues for the County of
12 Effingham, approved July 26, 1921 (Ga. L. 1921, p. 466), as amended, is amended by
13 revising Section 1 as follows:

14
15 "SECTION 1.

16 (a) The governing authority of Effingham County shall be a board of commissioners
17 consisting of six persons, composed of a chairperson and five other members.

18 (b) The chairperson may reside anywhere within Effingham County and shall be elected
19 by a majority vote of the qualified voters of the entire county. One member shall be
20 elected from each of the five duly constituted election districts in said county by a majority
21 vote of the qualified voters of that election district.

22 (c) The chairperson and all members of the board of commissioners shall be nominated
23 and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., known as the
24 'Georgia Election Code,' as now or hereafter amended.

25 (d) Any person seeking membership on the board shall have:

(1) Resided in the county for at least one year immediately preceding the date of his or her election.

(2) Resided in the district in which that person is seeking election on the date of qualification for the office of county commissioner.

(e) The chairperson and each of the other five members of the board shall serve for a term of four years beginning the first day of January immediately following his or her election."

SECTION 2.

Said Act is further amended by revising Section 1 A as follows:

"SECTION 1A.

(a) The first chairperson elected under this Act shall be elected for a four-year term at the November, 2008, general election and shall serve until his or her successor is elected and qualified. Successors shall be elected thereafter at the general election immediately preceding the expiration of a term of office of four years and shall serve until their successors are elected and qualified.

(b) The two members elected from Districts 1 and 4 shall be elected at the November, 2008, general election for terms of four years and shall serve until their successors are elected and qualified. The three members from Districts 2, 3, and 5 shall be elected at the November, 2010, general election for terms of four years and shall serve until their successors are elected and qualified. Thereafter, all members shall be elected at the general election immediately preceding the expiration of their respective terms of office for terms of four years and shall serve until their successors are elected and qualified.

(c) All members of the board of commissioners of Effingham County holding office from their respective districts on the effective date of this Act shall remain in office until such time as their successors are duly elected and qualified as provided in this Act."

SECTION 3.

Said Act is further amended by revising Section 2 as follows:

"SECTION 2.

The chairperson shall preside at all meetings of the board. The chairperson shall be the official spokesperson for the board and shall have the authority to set the agenda for meetings. At the first regular meeting in January of each year, the board shall elect from its members a vice chairperson. In the event of the death, disqualification, or resignation of the chairperson, the vice chairperson shall perform the duties and have the authority of the chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson

1 shall preside at board meetings in the absence of the chairperson. In the event of a vacancy
2 in the office of vice chairperson, the board shall elect a new vice chairperson to serve for the
3 remainder of the unexpired term."

4 **SECTION 4.**

5 Said Act is further amended by striking Section 3 in its entirety and inserting in lieu thereof
6 the following:

7 "SECTION 3.

8 (a) Any vacancy in the office of chairperson or member of the board for any reason other
9 than the expiration of the term of office which occurs more than 180 days before the
10 expiration of a term of office shall be filled by special election.

11 (b) Any vacancy in the office of chairperson or member of the board which occurs 180
12 days or less before the expiration of a term of office shall be filled by the remaining
13 members of the board appointing a successor, and such appointment shall be made within
14 15 days after the vacancy occurs.

15 (c) Any person elected or appointed to fill a vacancy must meet all qualifications for
16 election to the office; and any person elected or appointed to fill a vacancy shall serve for
17 the remainder of the unexpired term.

18 (d) In the event a member moves his or her residence from the district he or she represents,
19 a vacancy shall exist from such district and shall be filled in the same manner as other
20 vacancies are filled.

21 (e) All elections to fill vacancies shall be conducted in accordance with Chapter 2 of Title
22 21 of the O.C.G.A., known as the 'Georgia Election Code.'"

23 **SECTION 5.**

24 Said Act is further amended by revising Section 5 as follows:

25 "SECTION 5.

26 The board of commissioners shall hold its regular meetings on the first and third Tuesdays
27 of each month, in the Office of the Board of Commissioners of the County of Effingham.
28 The board may meet in extraordinary session as often as the affairs of the county may
29 require, upon call of the chairperson or any other three members of the board."

SECTION 6.

Said Act is further amended by revising Section 6 as follows:

"SECTION 6.

The chairperson shall vote on matters before the board. In the event of a tie vote the matter shall be deemed a "no vote." For the purposes of this section a "no vote" shall not prevent the subject of the vote from being recalled for a new vote pursuant to procedures set by the board. At all meetings of the board, not less than four commissioners shall constitute a quorum of said board, and no order shall be passed, no business transacted, nor any other action taken in regard to any county matter except upon the vote therefor of three members, three votes always being necessary to decide any question."

SECTION 7.

Pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, it shall be the duty of the attorney of the governing authority of Effingham County to submit this Act to the United States Attorney General for approval. If, as of the first date upon which candidates may begin qualifying for the general primary in 2008, implementation of this Act is not permissible under the federal Voting Rights Act of 1965, as amended, then as of such date this Act shall be void and stand repealed in its entirety.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.